

JUN 28 2010

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
MISCELLANEOUS NO. 3:10mc84

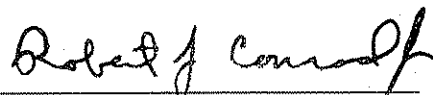
RE: Student Practice Rule

ORDER

**THIS MATTER** is before the Court on its own motion to establish a Student Practice Rule and necessary administrative procedures required to implement such a rule. This Order provides for the Clerk to proceed to develop and implement all necessary procedures pertaining to the attached Student Practice Rule.

The Clerk is directed to provide a copy of this Order and materials to the local rules committee for formal adoption as a local rule.

**SO ORDERED**, this 24<sup>th</sup> day of June, 2010.



Robert J. Conrad, Chief  
U.S. District Judge

The Clinic for Civil Rights at the Charlotte School of Law

WDNC "Student Practice Rule" Proposal

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Proposed Amendment to Local Rule of Civil Procedure ("LCvR") 83.1(D)(4) – The Student Practice Rule.

(A) Compliance with Rule. Law students may participate as counsel in civil and criminal cases in this Court subject to their compliance with all of the requirements set forth in this Rule. \*

(B) Eligibility. An eligible student must:

- (1) be duly enrolled in an accredited, provisionally accredited or approved law school;
- (2) have completed at least half of his or her legal studies;
- (3) have working knowledge of all applicable rules of Court, included but not to: the Federal Rules of Civil and/or Criminal Procedure, the Federal Rules of Evidence, the North Carolina Rules of Professional Conduct and the Local Rules of this Court;
- (4) be supervised by a supervising attorney as defined in Local Rule 83.1(D)(4)(C);
- (5) be certified by the Dean of the Law School where the student is enrolled, or the Dean's designee, as:
  - (a) being of good character;
  - (b) possessing a sufficient legal ability; and
  - (c) having been adequately trained to fulfill the responsibilities to both the client and the Court;
- (6) be certified by the Court to practice pursuant to Local Court Rule 83.1(D)(4)(D)(1);
- (7) decline personal compensation for his or her legal services from a client or any other source; and
- (8) have completed ECF training made available in this District, or certify that they have completed training in another federal district.
- (9) Exceptions. The judicial officer who is considering the admission may make such exceptions to his rule as he or she deems just and equitable.

(C) Supervising Attorney. A supervising attorney must:

- (1) Either:
  - (a) maintain faculty, adjunct faculty or fellowship status at a law school at which a portion of the supervisor's duties includes supervision of students in a clinical program; or
  - (b) be a member of the bar of this Court for at least two (2) years, who in the determination of the Court, is competent to carry out the role of supervising attorney;
- (2) have established an ECF account with the Clerk of Court prior to moving for admission. To establish an ECF account an attorney must complete ECF training made available in this district or certify that they have completed training in another federal district.
- (3) be admitted to practice in this Court;

- (4) be certified by the Court as a student supervisor;
- (5) be present with the student at all times in Court, and at other proceedings in which testimony is taken;
- (6) co-sign all pleadings or other documents filed with the Court;
- (7) assume full personal and professional responsibility for a student's guidance and any work undertaken and for the quality of the student's work, and to be available for consultation with represented clients;
- (8) assist and counsel the student in activities mentioned in Local Court Rule 83.1(D)(4) (E), and review such activities with the student, all to the extent required for proper practical training of the student and the protection of the client; and
- (9) supplement oral or written work of the student as necessary to insure proper representation of the client.

(D) Certification of Student and Supervisor after completion of ECF training and the establishment of ECF account with Clerk of Court.

(1) Student. The Court's certification of a student to practice under this Local Rule shall be filed with the Clerk of Court and shall remain in effect for eighteen (18) months or until the student graduates from law school, whichever is earlier. Certification to appear generally or in a particular case may be withdrawn by the Court at any time, in the discretion of the Court, and without any showing of cause. In order to assist the Court in maintaining a current list of students certified to practice under this Local Rule, the supervising attorney shall notify the Court of the student's graduation from law school.

(2) Supervising Attorney. Certification of the supervising attorney shall be filed with the Clerk of Court, and shall remain in effect indefinitely unless withdrawn by the Court, in its discretion, and without any showing of cause. The Supervising Attorney's ECF account will allow the supervisor to accept electronic service on behalf of the student practicing under this Local Rule.

(E) Activities. A certified student may, under the personal supervision of his or her supervisor:

- (1) represent any client including federal, state or local governmental bodies, if the client on whose behalf the certified student is appearing has consented in writing to that appearance and the supervising lawyer has given written approval of that appearance;
- (2) represent a client in any criminal, civil or administrative matter; however, the Court retains the authority to limit a student's participation in any individual case;
- (3) in connection with matters in this Court, engage in other activities on behalf of the client in all ways that a licensed attorney may, under the general supervision of the supervising lawyer; however, a student shall make no binding commitments on behalf of a client absent prior client and supervisor approval, and in any matters, including depositions, in which testimony is taken the student must be accompanied by the supervising lawyer. Documents or papers which are filed shall be read, approved, and co-signed by the supervising lawyer. The Court retains the authority to establish exceptions to such activities; and

*(F) Scope of Participation Statement*

- (1) Prior to oral participation by a certified student in a hearing or trial, the supervising attorney shall advise the Court of the scope of participation anticipated on the part of the certified student.*

**\* NOTE:** LCrR 44.1(A) Admission and Appointment of Counsel says that the civil local rules for admission are applicable to admission in criminal cases as well. "The admission and appearance of counsel are governed by LCvR 83.1." "Such civil local rule is adopted herein as if fully set forth."

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE APPLICATION OF

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FOR CERTIFICATION AS A STUDENT PRACTITIONER

The petitioner respectfully shows the Court:

1. That the petitioner is duly enrolled in a law school and has completed at least half of his/her legal studies;
2. That the petitioner has knowledge of the Federal Rules of Civil Procedure and Criminal Procedure, the Federal Rules of Evidence, the Code of Professional Responsibility, and the Local Rules of this Court;
3. That the petitioner has completed ECF training as required by this Court's Rule 83.1(D)(4) for admission to practice;
4. That the petitioner will be supervised by a duly certified supervising attorney;
5. That the petitioner has read Civil Rule 83.1(D)(4) of the Local Rules of this Court and agrees to comply with all requirements therein;

WHEREFORE, the petitioner prays for certification as a student practitioner in the United States District Court for the Western District of North Carolina.

This \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Petitioner Student

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Address

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Date of Birth

NAME AND ADDRESS OF SUPERVISING ATTORNEY

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Telephone Number: \_\_\_\_\_

NC Bar Number: \_\_\_\_\_

Date of Admission to WDNC: \_\_\_\_\_

\_\_\_\_\_  
Signature of Supervising Attorney

IN THE MATTER OF THE APPLICATION OF

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FOR THE CERTIFICATION AS A STUDENT PRACTITIONER

I, Dean of the \_\_\_\_\_ Law School, do hereby  
certify that the above-named petitioner is of good character and sufficient legal ability, and is  
adequately trained to fulfill the responsibilities of a legal intern to both the client and to the  
Court.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Dean

\_\_\_\_\_  
Address

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH  
CAROLINA

\_\_\_\_\_,  
Plaintiff,

v.

Civil Action No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

**ORDER**

IT APPEARING TO THE COURT that the above-named petitioner is duly enrolled in law school, has completed at least three semesters of legal studies, and has knowledge of the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Evidence, the Code of Professional Responsibility, and the Local Rules of the Court; that the petitioner is supervised by a certified supervising attorney, has read Civil Rule 84 of the Local Rules of this Court, and agrees to comply with all requirements therein; and that the petitioner is of good character, sufficient legal ability and is adequately trained to fulfill the responsibilities of a legal intern to both the client and to the Court; NOW THEREFORE,

IT IS ORDERED by the Court that \_\_\_\_\_  
be, and is hereby certified to participate as counsel in civil and criminal cases in the United States District Court for the Western District of North Carolina as a student practitioner. The petitioner may represent a client in any criminal, civil or administrative matter; however, the Court retains the authority to limit a student's participation in any individual case.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
The Honorable \_\_\_\_\_